and it is in the wisdom of the members of the Constituent Assembly that that number should not be exceeded. If, as one member put it, we wish to have the constituencies of the type they in Great Britain are having, the number will be more than 3,000. Already the 500 members in the Parliament were complaining that they were not getting sufficient opportunities to express what all they had in mind. If we increase the number, what will be the fate? I leave it to the members to imagine. Therefore, within the confines of the principles involved in the present resolution, this kind of arrangement becomes inevitable and I do not want to argue on any other point, because all that could be said has been said and in a way they have also conceded. Within the ambit of the present Constitution, this becomes inevitable. Most of the Hon'ble Members have acceded. Therefore, I request that the resolution may be adopted, and, as I have said, the proceedings of the House will also be sent with this resolution for the edification of the Centre.

Mr. SPEAKER.—The question is :

"That this House ratifies the amendment of Articles 81 of the Constitution proposed to be made by the Constitution (Second Amendment) Bill, 1952, as proposed by the two Houses of Parliament."

The motion was adopted.

THE MYSORE AGRICULTURISTS' RELIEF (AMENDMENT) BILL, 1953.

Mr. SPEAKER.—Now the debate on the Mysore Agriculturists' Relief (Amendment) Bill, 1953 will continue.

Sri A. G. RAMACHANDRA RAO (Minister for Law and Education).—It was agreed at that time that discussion on this Bill might be proceeded with. Meanwhile some amendments have been tabled. They may also be considered.

Mr. SPEAKER.—There are two amendments that stand in the name of Sri Bheemappa Naik. After the motion for the consideration of the Bill is passed, the amendments will be taken.

Sri M. LINGANNA (Nanjangud).—If the Bill as well as the amendments are taken into consideration, that might facilitate discussion.

Sri A. G. RAMACHANDRA RAO.—The procedure is : after the consideration stage is over, amendments are taken up.

Mr. SPEAKER.—The question is :

"That the Mysore Agriculturists' Relief (Amendment) Bill, 1953 be taken into consideration."

The motion was adopted.

Mr. SPEAKER.—Shall I take it that Sri Bheemappa Naik is not moving that the Bill be referred to a Select Committee?

Sri A. BHEEMAPPA NAIK (Molakalmuru).—I am not moving.

Mr. SPEAKER.—Then we will take up the Bill, clause by clause. Clauses 2 and 3. The question is :

"That clauses 2 and 3 stand part of the Bill."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Mr. SPEAKER.—Clause 4. There is an amendment given notice of by Sri Bheemappa Naik.

Sri A. BHEEMAPPA NAIK.—Sir, I beg to move :

'That for clause 4, the following clause shall be substituted :—

4. *Amendment of section 24 of Mysore Act XVIII of 1928 and application to certain suits.*—(1) In section 24 of the principal Act for the words "shall be deemed to be substituted for those prescribed in the Second column in

(SRI A. BHEEMAPPA NAIK.)

the Second Schedule annexed to the Mysore Limitation Act", the words and figures "shall be deemed to be substituted for those prescribed in the second column of the First Schedule to the Indian Limitation Act, 1908" shall be substituted and shall be deemed to have been substituted on the 1st Day of April 1951,

(2) (*a*) Subject to the provisions of clause (*b*), in respect of any suit instituted on or after the 31st day of March 1953, and,

(i) pending at the commencement of this Act, the provisions of Section 24 of the principal Act as amended by sub-section (1), shall be applicable as if the said section as amended was in force at the time when such suit was instituted;

(ii) dismissed before the commencement of this Act, merely on the ground that it was not instituted within the prescribed period of limitation but which would not have been so dismissed if section 24 of the principal Act as amended by sub-section (1) was in force on the date of such institution, the court shall, on the application of the plaintiff made within a period of thirty days from such commencement and after notice to the defendant, make an order setting aside the dismissal and thereupon the provision of section 24 of the principal Act as amended by sub-section (1) shall be applicable to such suit as if the said section as amended was in force at the time when such suit was instituted.

(*b*) (i) If in any suit to which the provisions of clause (*a*) are applicable, the defendant deposits into court the costs of the plaintiff in the suit and makes an application to the court within a period of thirty days from the commencement of this Act or from the date of the order setting aside the dismissal of the suit, as the case may be, for ordering the return of the plaint, the court shall make an order returning the plaint to the plaintiff, and for payment to him of the amount deposited by the defendant.

(ii) The return of the plaint under sub-clause (i) shall not prevent the institution of a fresh suit within the period of limitation specified in Section 24 as amended by sub-section (i)".

11-30 A.M.

*ಸ್ವಾಮಿ. ಈ ಅಗ್ರಿಕಲ್ಚರಿಸ್ಟ್ಸ್ ರಿಲೀಫ್ ತಿದ್ದುಪಡಿ ಮಸೂದೆಯ ಸಂಬಂಧದಲ್ಲಿ ಈಗ ಏನಾಗಿದೆಯೆಂದರೆ, ಇಂಡಿಯನ್ ಲಿಮಿಟೇಷನ್ ಆಕ್ಟ್ (31-3-1951) ಪಾಸಾದ ಎರಡು ವರ್ಷದೊಳಗಾಗಿ ಅದನ್ನೇ ಇಂಡಿಯಾ ದೇಶದ ಎಲ್ಲಾ ಭಾಗಗಳಲ್ಲೂ ಒಂದೇ ಲಿಮಿಟೇಷನ್ ಆಕ್ಟಾಗಿ ಜಾರಿಗೆ ತರಬೇಕೆಂದು ಮಾಡಿದ್ದೀರಿ; ಆ ರೀತಿಯಾಗಿ ಜಾರಿಗೆ ತಂದ ಮೇಲೆ ಇಂಡಿಯನ್ ಲಿಮಿಟೇಷನ್ ಆಕ್ಟಿನ 29ನೆಯ ವಿಧಿಯ ಪ್ರಕಾರ ಇಂಡಿಯಾ ದೇಶದ ಎಲ್ಲಾ ಭಾಗಗಳಲ್ಲೂ ಇನ್ನು ಮೇಲೆ ನೂಟ್‌ಗಳು ಮತ್ತು ದಾವಾಗಳಿಗೆ ಮೂರು ವರ್ಷಗಳು ಮಾತ್ರ ಅವಧಿಯಿರಬೇಕು, plain paper ಪತ್ರಗಳಿಗೂ, ಚಾಪಾ ಕಾಗದಗಳಿಗೂ ಇದು ಅನ್ವಯಿಸುತ್ತದೆಂದು ಹೇಳಿದೆ. ಆದರೆ ಅದೇ ವಿಧಿಯಲ್ಲಿ, ಯಾವುದಾದರೂ ಒಂದು ದೇಶದಲ್ಲಿ ಒಂದು ಸ್ಪೆಷಲ್ 'ಲಾ' ಇದ್ದರೆ, ಅಂಥ ಸಂದರ್ಭಗಳಲ್ಲಿ ಅವರು ಬೇರೆ ಅವಧಿಯನ್ನು ಗೊತ್ತು ಮಾಡಿಕೊಳ್ಳಬಹುದೆಂದು ಹೇಳಿದೆ. ಈಗ ವ್ಯವಸಾಯಗಾರರಿಗೆ ರಿಲೀಫ್ ಕೊಡುವುದರಲ್ಲಿ ಸಂಬಂಧಪಟ್ಟಿದ್ದಂತೆ ಇರುವ ಕಾನೂನಿನಲ್ಲಿ ನಮ್ಮ ಸಂಸ್ಥಾನದವರು ಬೇರೆ ಅವಧಿಯನ್ನು ಗೊತ್ತುಮಾಡಿಕೊಳ್ಳಬಹುದಾಗಿದೆ. ಆದರೆ ಲಿಮಿಟೇಷನ್ನಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತಹ ವಿಷಯಗಳಲ್ಲಿ ಬದಲಾವಣೆ ಮಾಡಿಕೊಳ್ಳಬೇಕಾಗಿದ್ದರೆ ಅಧ್ಯಕ್ಷರ ಅಪ್ಪಣೆ ಪಡೆಯಬೇಕೆಂದಿದೆ. ಈಗ, 31ನೆಯ ಮಾರ್ಚ್ 1951ನೆಯ ಇಸವಿಯ ಈ ಆಕ್ಟಿನ 29ನೆಯ ವಿಧಿಪ್ರಕಾರ ದಾವೆಗಳನ್ನು ಹಾಕುವುದಕ್ಕೆ 6 ವರ್ಷಗಳ ಅವಧಿಯಿದ್ದರೂ, ಒಂದು ಸಾರಿ ಪ್ರಾಮಿಸರಿ ಪತ್ರ ಬರೆದುಕೊಂಡಿದ್ದು, ಅದಾದ ಮೇಲೆ ಬಡ್ಡಿ ಕೊಡುತ್ತಾ ಬಂದಿದ್ದರೆ ಆತ ಹಾಗೆ ಬಡ್ಡಿ ಕೊಟ್ಟ ತಾರೀಖಿನಿಂದ 6 ವರ್ಷಗಳೊಳಗಾಗಿ ದಾವ ಹಾಕುವುದಕ್ಕೆ ಅವಕಾಶವಿದ್ದುದು ತಪ್ಪಿಹೋಯಿತು. ಇನ್ನು ಮುಂದೆ ಆ ರೀತಿ ಮಾಡುವುದಕ್ಕೆ ಅವಕಾಶವಿಲ್ಲ. ಹೀಗಾಗಿ ಪತ್ರ ಬರೆದುಕೊಟ್ಟ ತಾರೀಖಿನಿಂದ ಐದು ವರ್ಷ ಬಡ್ಡಿ ಕೊಟ್ಟರೂ ಕೂಡ ಅದನ್ನು ಲೆಕ್ಕಕ್ಕೆ ತಗೆದುಕೊಳ್ಳದೆ ಆರು ವರ್ಷಗಳೊಳಗಾಗಿ ದಾವ ಹಾಕಲೇಬೇಕಾಗುತ್ತದೆ. ಹೀಗಿರುವುದರಿಂದ ವ್ಯವಸಾಯಗಾರರಿಗೂ ವರ್ತಕರಿಗೂ ಇದುವರೆಗೂ ಇದ್ದ ಮಧುರ ಬಾಂಧವ್ಯ ತಪ್ಪಿಹೋಗಲು ಕಾರಣವಾಗಿ ಈ ಲಿಮಿಟೇಷನ್ ಆಕ್ಟಿನಿಂದ ತೊಂದರೆ ತಂದ ಹಾಗಾಯಿತು. ಇತ್ತ ದಾವಾ ಹಾಕುವುದೂ ಜಾಸ್ತಿಯಾಗುತ್ತದೆ. ಅತ್ತ ರೈತರಿಗೂ ಕೂಡ ಆರು ವರ್ಷಗಳ ಅವಧಿ ಸಿಕ್ಕುತ್ತಿತ್ತು

ದ್ದುದು ತಪ್ಪಿ ಕೊನೆಯ endorsementನ ಮೂರು ವರ್ಷಗಳೊಳಗಾಗಿ ದಾವಾ ಹಾಕಬೇಕಾಗಿ ಬಂದಿರುತ್ತದೆ. ಈ ತೊಂದರೆಯನ್ನು ತಪ್ಪಿಸುವುದುಅಗತ್ಯ.

ಈಗ ಇನ್ನೊಂದೇನಾಗಿದೆಯೆಂದರೆ, 1951ನೆಯ ಇಸವಿ ಮಾರ್ಚಿ ಮೂವತ್ತೊಂದರಲ್ಲಿ ಯಾವಾಗ ಲಿಮಿಟೇಷನ್ ಆಕ್ಟ್ ಜಾರಿಗೆ ಬಂತೋ ಆಗಿನಿಂದ ಅನೇಕ ಕಡೆ ಜನರು ತಮಗೆ ಬರಬೇಕಾದ ಹಣಕ್ಕೆ ಎಲ್ಲಿ ಲೋಪ ಬರುತ್ತದೋ ಎಂಬ ಶಂಕೆಯಿಂದ ದಾವೆಗಳನ್ನು ದಾಖಲುಮಾಡುವುದಕ್ಕೆ ಪ್ರಾರಂಭಿಸಿದ್ದಾರೆ. ಮಂಡ್ಯ ನಕ್ಕರೆ ಕಂಪೆನಿಯವರಂಥವರೇ ಹೆಚ್ಚುಕಡಮೆ 500 ದಾವೆಗಳನ್ನು ರೈತನ ಮೇಲೆ ದಾಖಲುಮಾಡಿದ್ದಾರೆಂದು ತಿಳಿಸಿದ್ದೇನೆ. ಇನ್ನು ಕೆಲವು ಕಡೆ ಏನಾಗಿದೆಯೆಂದರೆ, ಆ ಹಳ್ಳಿಗಳ ಕಡೆ ಅನೇಕರು ವ್ಯವಹಾರಮಾಡಿರುವವರು, ಅವರಿಗೆ ಈ ರೀತಿ ಮೂರು ವರ್ಷಗಳ ಅವಧಿಯಲ್ಲಿ ಸೆಂಟ್ರಲ್ ಲಿಮಿಟೇಷನ್ ಆಕ್ಟ್ ಪ್ರಕಾರ ದಾವೆಗಳನ್ನು ಹಾಕಬೇಕೆಂಬುದು ಗೊತ್ತಿಲ್ಲದೆ ದಾವೆಗಳನ್ನು ಹಾಕದೆ ಇದ್ದಾರೆ. ಇನ್ನು ಕೆಲವು ಸಂದರ್ಭಗಳಲ್ಲಿ ದಾವೆಗಳನ್ನು ಹಾಕಿ ಕೋರ್ಟುಗಳಿಗೆ ಬಂದಾಗ ಇಂಡಿಯನ್ ಲಿಮಿಟೇಷನ್ ಆಕ್ಟ್ ಪ್ರಕಾರ ಲಿಮಿಟೇಷನ್ ಆಗಿದೆಯೆಂದು ಹೇಳಿ automatic ಆಗಿ dismiss ಆಗಿಬಿಡ್ತಿದೆ. ಹೀಗಾಗಿ ಅನೇಕ ಲೇವಾದೇವಿಗಾರರಿಗೂ ವ್ಯವಸಾಯಗಾರರಿಗೂ ತೊಂದರೆಯಾಗುತ್ತದೆ. ಇದನ್ನು ತಪ್ಪಿಸುವ ಉದ್ದೇಶದಿಂದಲೇ ನಾನೀಗ ಈ ತಿದ್ದುಪಡಿಯನ್ನು ತಂದಿರುವುದು.

ಈಗ ನಾನು ತಂದಿರುವ ತಿದ್ದುಪಡಿಯಲ್ಲಿನ ಅಂಶಗಳೇನೆಂದರೆ, ಹಾಲಿ ಕೋರ್ಟುಗಳಲ್ಲಿ pending ಆಗಿರತಕ್ಕದಾವೆಗಳಿಗೆ ಅವಧಿಕೊಡಿಸುವುದು, ಒಂದು; ದಾವೆಗಳು ಈ ಒಂದು ಕಾರಣದ ಮೇಲೆ ವಜಾ ಆಗಿದ್ದಲ್ಲಿ ಪುನಃ ಅಂಥ ದಾವೆಗಳನ್ನು ಕೋರ್ಟುಗಳಿಗೆ ದಾಖಲು ಮಾಡಿ ಸೂಕ್ತ ತೀರ್ಮಾನ ಪಡೆಯುವುದಕ್ಕೆ ಅವಕಾಶ ಮಾಡಿಕೊಡುವುದೂ ಒಂದು; ಮತ್ತು ಹಿಂದೆ ಈ ರೀತಿ ಮೂರು ವರ್ಷಗಳ ಲಿಮಿಟೇಷನ್ ಇದೆಯೆಂದು ಹೇಳಿ ಆ ಲಿಮಿಟೇಷನ್ ಉಳಿಸಿಕೊಳ್ಳುವುದಕ್ಕಾಗಿ ಕೋರ್ಟಿಗೆ ದಾವಾ ಹಾಕಿ ಕೋರ್ಟ್ ಫೀ ಕೊಟ್ಟಿದ್ದಾರೆ; ಅದನ್ನು ವಾಪಸು ಪಡೆಯುವುದಕ್ಕೂ ಅವಕಾಶಮಾಡಿಕೊಡುವುದು ಇನ್ನೊಂದು; ಈ ಎಲ್ಲಾ ವಿಷಯಗಳನ್ನೂ ಸೇರಿಸಿ ಹೊಸದಾಗಿ ಈ ಒಂದು ತಿದ್ದುಪಡಿಯನ್ನೂ ತಂದಿದ್ದಾಗಿದೆ. ಕೆಲವರು ಹೇಳಬಹುದು, ಇಂಡಿಯನ್ ಲಿಮಿಟೇಷನ್ ಆಕ್ಟಿನ 19ನೆಯ ಮತ್ತು 20ನೆಯ್ಕ ವಿಧಿಯಲ್ಲಿ part payment ನ್ನು acknowledge ಮಾಡುವುದನ್ನು ಸೇರಿಸುವುದಕ್ಕಾಗುವುದಿಲ್ಲವೆಂದು. ಆದರೆ ಅದರಲ್ಲಿರುವ ಅನಾನುಕೂಲತೆಗಳನ್ನು ತಿಳಿಸಿ ಪರಿಹಾರವನ್ನು ಕೇಳುವುದಕ್ಕೆ ಸಂಸ್ಥಾನಗಳ ಪ್ರಜೆಗಳಿಗೆ exclusive ಅಧಿಕಾರವಿದೆ. ಅಲ್ಲದೆ ವ್ಯವಸಾಯಗಾರರಿಗೆ ರಿಲೀಫ್ ಕೊಡತಕ್ಕ ವಿಷಯದಲ್ಲಿ ಸಂಸ್ಥಾನಗಳಿಗೆ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ದತ್ತವಾಗಿದೆ. ಲಿಮಿಟೇಷನ್ ಆಕ್ಟ್ ವಿಧಿಯ ಅನಾನುಕೂಲತೆಯನ್ನು ನಾವು ವ್ಯವಸಾಯಗಾರರಿಂದ part payments ನ acknowledgment ಆದಾಗ ಕೂಡ ಒದಗಿಸಬೇಕೆಂದು ಉದ್ದೇಶಿಸಿದ್ದೇವೆ. ಇದಕ್ಕೆ ಕೇಂದ್ರದ ಅಧ್ಯಕ್ಷರ ಅಪ್ಪಣೆಪಡೆಯಬೇಕಾಗುತ್ತದೆ. ಅದನ್ನು ಮಾಡೋಣ. ಇದ್ದೇ ರೀತಿ ಮಾಡಿಸಿಕೊಂಡಿರುವುದಕ್ಕೆ ಬೇರೆ ಕೆಲವು ಕಡೆಯೂ precedents ಇವೆ. ಆದ್ದರಿಂದ ಇದನ್ನು ಮಾಡತಕ್ಕದ್ದು ಬಹು ಸೂಕ್ತ ಮತ್ತು ಅತ್ಯಗತ್ಯ. ಇಲ್ಲದಿದ್ದರೆ ಈಗ ಕೋರ್ಟುಗಳಲ್ಲಿ ಆಗಿರತಕ್ಕ ದಾವೆಗಳಿಂದ ಅನೇಕ ತೊಂದರೆಗಳು ಸಂಭವಿಸುತ್ತವೆ; ಅಲ್ಲದೆ ಮುಂದೆ ದಾವಾ ಹಾಕತಕ್ಕವುಗಳಿಗೂ ಅನೇಕ ತೊಂದರೆ ಬರುತ್ತವೆ. ಈ ದೃಷ್ಟಿಯಿಂದ ಈ ತಿದ್ದುಪಡಿಯನ್ನು ತಂದಿದ್ದೇನೆ. ದಯವಿಟ್ಟು ಒಪ್ಪಿಕೊಳ್ಳಬೇಕೆಂದು ಸರ್ಕಾರದವರನ್ನು ಪ್ರಾರ್ಥಿಸುತ್ತೇನೆ.

Mr. SPEAKER.—Motion moved:

"That in the Mysore Agriculturists' Relief (Amendment) Bill, 1953," for clause 4, the following clause shall be substituted:—

4. *Amendment of section 24 of Mysore Act XVIII of* 1928 *and application to certain suits.*—(1) In section 24 of the principal Act for the words "shall be deemed to be substituted for those prescribed in the second column in the Second Schedule annexed to the Mysore Limitation Act" the words and figures shall be deemed to be substituted for those prescribed in the second column of the First Schedule to the Indian Limitation Act, 1908" shall be substituted and shall be deemed to have been substituted on the 1st Day of April 1951.

(2) (a) Subject to the provisions of clause (*b*), in respect of any suit instituted on or after the 31st day of March 1953, and,

(i) pending at the commencement of this Act, the provisions of section 24 of the principal Act as amended by sub-section (1), shall be applicable as if the said section as amended was in force at the time when such suit was instituted;

(ii) dismissed before the commencement of this Act, merely on the ground that it was not instituted within the prescribed period of limitation but which would not have been so dismissed if section 24 of the principal Act as amended by sub-section (1) was in force on the date of such institution, the court shall, on the application of the plaintiff made within a period of thirty days from such commencement and after notice to the defendant, make an order setting aside the

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dismissal and thereupon the provision of section 24 of the principal Act as amended by sub-section (1) shall be applicable to such suit as if the said section as amended was in force at the time when such suit was instituted.

(*b*) (i) If in any suit to which the provisions of clause (*a*) are applicable, the defendant deposits into court the costs of the plaintiff in the suit and makes an application to the court within a period of thirty days from the commencement of this Act or from the date of the order setting aside the dismissal of the suit, as the case may be, for ordering the return of the plaint, the court shall make an order returning the plaint to the plaintiff, and for payment to him of the amount deposited by the defendant.

(ii) The return of the plaint under sub-clause (i) shall not prevent the institution of a fresh suit within the period of limitation specified in Section 24 as amended by sub-section (1)".

Sri M. LINGANNA (Nanjangud).—On a point of information, Sir. Have Government obtained the permission of the President to introduce this amendment?

Sri A. G. RAMACHANDRA RAO.—The permission of the Rajpramukh is not necessary.

Sri M. LINGANNA.—No, Sir, permission of the President of the Indian Union?

Sri A. G. RAMACHANDRA RAO.—The approval of the President will be taken afterwards.

Mr. SPEAKER.—It was pointed out by the Mover himself.

Sri M. V. RAMA RAO (Tumkur).—I want to know from the Mover of the Amendment how the proposed amendment is an improvement upon the proposal contained in Clause 4 of the Mysore Agriculturists' Relief (Amendment) Bill, 1953, in which it is said that "in Section 24 of the principal Act, for the words 'shall be deemed to be substituted for those prescribed in the second column of the Second Schedule annexed to the Mysore Limitation Act', the words 'shall be applicable' shall be substituted" That, I think, was not adequately explained and I should like to have the advantage of understanding his view points on the particular clause.

*Sri A. BHEEMAPPA NAIK.—It is simply this. The Mysore Limitation Act now from this day shall be repealed, *i.e.*, from 31st March 1953. So far as Sections 19 and 20 are concerned, these will be applicable hereafter for all suits, and the Mysore Limitation Act will be substituted by the Indian Limitation Act. Hitherto the Mysore Limitation Act was made applicable. Now, if we *en masse* substitute the provisions contained therein into this alone, it does not make that limitation applicable. The provisions contained therein will be substituted into the Agriculturists' Relief Act itself. Therefore, the question of limitation contained in Sections 19 and 20 of the Limitation Act to suits beyond three years will not arise. Six years and twelve years that are fixed here will be as though they are there without reference to the Indian Limitation Act. Therefore, the President's permission is sought and I request the Government to reserve it for the assent of the President.

Sri M. V. RAMA RAO.—I must say, Sir, that my understanding is very limited. I have not profited by the explanation which the Hon'ble Member Sri Bheemappa Naik put himself to the trouble of making. If I understand him to have said that the provisions of Sections 19 and 20 of the Indian Limitation Act shall be applicable, as proposed in clause 4, to the matters contained in Section 24 of the Agriculturists' Relief Act, why is this elaborate amendment necessary

in order to make the meaning of it just the same as it would be if the sections were straightaway applicable?

Sri A. BHEEMAPPA NAIK.—I do not quite follow him. Each one has not followed the other because it is a point of law. What I said was that the provisions contained in Section 19 and 20 of the Mysore Limitation Act are to be incorporated in this bill. That is all the point in my amendment proposed. If that is done we can avoid reference to the Limitation Act and this will be an independent Act having its own period of limitation prescribed in it.

Sri M. V. RAMA RAO.—It appears to me that the point which the mover of the amendment really has in mind is something like this : On a repeal of the Mysore Limitation Act and the application of the Indian Limitation Act (as it stands enacted by the Central Government) to Mysore, the operation of Sections 19 and 20 would limit the benefit accruing to the agriculturists under the Agriculturists' Relief Act as it is in force in Mysore, and therefore in order to prevent the agriculturists from losing the benefit of the extended period of limitation provided for in Section 24 of the Mysore Agriculturists' Relief Act, it is necessary to re-enact those provisions in specific words omitting all reference either to the Mysore Limitation Act or to the Indian Limitation Act. If that is the object of the proposed amendment, I must concede that the amendment is certainly an improvement upon the original phrase used in Clause 4 of the Bill and I think that it should be accepted by the House.

Sri M. RAJASEKHARA MURTHY (Yelandur) :—Sir, after the merger of the States with the Union Government, most of the Central Acts have been extended to States by virtue of the Adaptation of Laws Act, 1949, and the Indian Limitation Act is one of them. The Mysore Limitation Act expired by 31st March 1953. Any amendment could have been brought prior to that period. Certain rights will accrue to a particular person from the date of the limitation period. This right which has accrued to that particular person cannot be taken away by any legislation by giving it a restrospective effect. The amendment now proposed aims at giving retrospective effect to this Act and at best the accruing of that right can be postponed but it cannot be curtailed. I therefore, oppose this amendment.

Sri A. G. RAMACHANDRA RAO.—The point seems to be this. Under Sections 19 and 20 of the Mysore Limitation Act, the agriculturists enjoys some benefits and by virtue of the substitution of the Indian Limitation Act, these benefits to the agriculturist may be jeopardised. In order to prevent that and in order to continue the benefits which he was enjoying as an agriculturist before the repeal of the Mysore Limitation Act, Sri Bheemappa Naik wants incorporation of Sections 19 and 20 of the Mysore Limitation Act in the Act itself. I believe there is nothing wrong in doing so. Continuing the rights which the agriculturist was enjoying, I believe, is necessary and we ought to concede it. I accept the amendment.

Mr. SPEAKER.—The question is:

"That for clause 4, the following clause shall be substituted :—

4. *Amendment of section 24 of Mysore Act XVIII of 1928 and application to certain suits.*—(1) In section 24 of the principal Act for the words "shall be deemed to be substituted for those prescribed in the second column in the Second Schedule annexed to the Mysore Limitation Act" the words and figures "shall be deemed to be substituted for those prescribed in the second column of the First Schedule to the Indian Limitation Act, 1908" shall be substituted and shall be deemed to have been substituted on the 1st Day of April 1951.

(MR. SPEAKER.)

(2) (*a*) Subject to the provisions of clause (*b*), in respect of any suit instituted on or after the 31st day of March 1953, and,

(i) pending at the commencement of this Act, the provisions of section 24 of the principal Act as amended by sub-section (1), shall be applicable as if the said section as amended was in force at the time when such suit was instituted;

(ii) dismissed before the commencement of this Act, merely on the ground that it was not instituted within the prescribed period of limitation but which would not have been so dismissed if section 24 of the principal Act as amended by sub-section (1) was in force on the date of such institution, the court shall, on the application of the plaintiff made within a period of thirty days from such commencement and after notice to the defendant, make an order setting aside the dismissal and thereupon the provision of section 24 of the principal Act as amended by sub-section (1) shall be applicable to such suit as if the said section as amended was in force at the time when such suit was instituted.

(*b*) (i) If in any suit to which the provisions of clause (*a*) are applicable, the defendant deposits into court the costs of the plaintiff in the suit and makes an application to the court within a period of thirty days from the commencement of this Act or from the date of the order setting aside the dismissal of the suit, as the case may be, for ordering the return of the plaint, the court shall make an order returning the plaint to the plaintiff, and for payment to him of the amount deposited by the defendant.

(ii) The return of the plaint under sub-clause (i) shall not prevent the institution of a fresh suit within the period of limitation specified in Section 24 as amended by sub-section (1)".

The motion was adopted.

Mr. SPEAKER.—The question is:

"That clause 4, as amended, stand part of the Bill".

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Mr. SPEAKER.—Clause 1. The question is:

"That clause 1 stand part of the Bill".

The motion was adopted.

Clause 1 was added to the Bill.

Mr. SPEAKER.—Title and Preamble. The question is:

"That the Title and the Preamble stand part of the Bill".

The motion was adopted.

The Title and the Preamble were added to the Bill.

Motion to pass.

Sri A. G. RAMACHANDRA RAO.—Sir, I move:

"That the Mysore Agriculturists' Relief (Amendment) Bill, 1953, as amended, be passed".

Mr. SPEAKER.—The question is:

"That the Mysore Agriculturists' Relief (Amendment) Bill, 1953, as amended, be passed".

The motion was adopted.

THE MYSORE GENERAL CLAUSES (AMENDMENT) BILL, 1953.

Motion to consider.

Sri A. G. RAMACHANDRA RAO (Minister for Law and Education).—Sir, I move:

"That the Mysore General Clauses (Amendment) Bill, 1953,

as passed by the Legislative Council, be taken into consideration."

Sir, much comment is not necessary. The General Clauses Act of Mysore has got to be supplemented with the Indian General Clauses Act. Just to make that formal amendment, this Bill has been brought forward. Incidentally advantage has been taken of some definitions available in Madras State and they have also been included in this amendment Bill. I submit that the Bill be taken into consideration.

Mr. SPEAKER.—Motion moved:

"That the Mysore General Clauses (Amendment) Bill, 1953, as passed by the Legislative Council, be taken into consideration."

Sri M. V. RAMA RAO (Tumkur).—Sir, may I request the Hon'ble Minister to throw a little more light upon the provisions of this Bill which has been brought forward than what is seen from a perusal of the Statement of the Objects and Reasons?

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Sri A. G. RAMACHANDRA RAO.—I will have to go through the entire Act. If you raise any specific point, I will answer. I believe the Statement of Objects and Reasons will give the Hon'ble Members of the House sufficient information. If any further information on a specific point is needed, I will be glad to furnish the same.

Sri M. V. RAMA RAO.—I am afraid I must confess I have not read the Bill. I was really looking forward to an exposition of the necessity for making these amendments in the Mysore General Clauses Act. I should have thought that the General Clauses Act as it is enacted by the Union Government and which is law elsewhere, might have been allowed to remain applicable to Mysore also. It is not clear to me as to why we should have a separate Mysore General Clauses Act. The Statement of Objects and Reasons says:

"With the commencement of the Constitution of India on 26th January, 1950, it has become necessary to make certain amendments in the Mysore General Clauses Act to bring it into conformity with the provisions of the Constitution. This Bill has accordingly been brought forward...."

My point is that we might as well go by the General Clauses Act as it applies elsewhere. Why should we continue to have a separate Mysore General Clauses Act and then put ourselves to the trouble of making all these innumerable amendments here and there; why not we do away with it altogether more especially because, with the coming into operation of the Part-B States Application of Laws Act which was passed by Parliament more than a year ago, most of the enactments which have been passed by the Central Legislature before the Constitution came into force and naturally enactments passed subsequent to the Constitution having come into force, are applicable to Part-B States just as they are applicable to Part-A States? If the General Clauses Act of India is not applicable to Mysore, if there is any exception made in the case of Mysore, I should understand the necessity for our having a separate Mysore General Clauses Act and making all the necessary amendments in it in order to bring it into conformity with the Act as it prevails elsewhere. I should therefore like to know from the Hon'ble the Minister for Law whether there is any necessity for having our own General Clauses Act any longer.

Sri A. G. RAMACHANDRA RAO.—There is no doubt about this that the Indian General Clauses Act has full force in Mysore; but apart from the Acts of the Central Legislature applying to India, there is supplemental legislation as you might call

(SRI A. G. RAMACHANDRA RAO.)

it or legislation independent of that, which is appicable in Mysore and in order to facilitate the reading of those very Acts, some nominal changes are made in conformity with the General Clauses Act. For instance, 'Central Act' shall mean 'an Act of Parliament'. In the previous legislation applicable to Mysore only about which there is no Central legislation the term 'Central Act' is used. It means according to the present Bill 'An Act of Parliament'. Similarly, another reference was made. 'An Act made before such commencement by the Governor-General in Council or the Governor-General acting in a legislative capacity" and it shall now mean 'the Government of India'. Again "Central Government....." In order to facilitate the reading of our own Acts and to modernise, as it were, this legislation has been brought forward.

Sri M. V. RAMA RAO.—One other point that really arises in connection with the enactment of this amendment is, after the Part-B States application of Laws Bill became law and all general enactments which determine the law of the land as enacted by the Central Legislature have become applicable to Mysore also though it is a Part-B State, has it not become very necessary to see that our legislative enactments which are so many in number and which date back into a very long time indeed need to be systematised, pruned, rationalised, amended, codified and made up-to-date and made convenient for ready reference and application so as to be free from ambiguity, either of understanding or of application so that ordinary men will know exactly what law would be applicable in a particular case? As the position really is to-day, it is exceedingly difficult even for practising lawyers to find out what exactly is the law that would apply in a particular case. Now I should like to know, firstly, why the Mysore General Clauses Act should be retained as law side by side with the Indian General Clauses Act and secondly, whether Government have under consideration any proposal to devise the requisite machinery and provide it with the necessary resources for undertaking the other work that I referred to, that is, of making our legislation conform to the position created by the enactment of the Part-B States Application of Laws Act. If we can have an assurance from the Hon'ble the Law Minister that our Mysore enactment will be looked into carefully, and that very swiftly, in order to enable a rational and convenient codification to be made, then I should leave the matter there; but I should like the Hon'ble the Law Minister to tell the House the particular reasons why the Mysore General Clauses Act should still be retained side by side with the Indian General Clauses Act.

Sri A. G. RAMACHANDRA RAO.—I will answer that specific point first. The Indian General Clauses Act applies to the Central Acts and apart from the Central Acts we have a very wide legislation even in the States. Therefore it is an Act for interpreting the Statutes. Therefore, our Acts should also be interpreted, and, wherever possible, and in fact necessary, we have applied the General Clauses Act in Mysore also, but in order to further elucidate our own Acts, the General Clauses Act of the Mysore State is necessary. Similarly in all States while having the Indian General Clauses Act, they have also got the States General Clauses Act as I may call it as a piece of legislation.

Next, a general question was put as to the necessity for systematising, codifying, and revising the State laws so as to bring them up-to-date as well as in conformity with the Central Acts. The Government have already thought about it. They have appointed a Special Officer for the purpose and they are thinking of appointing a Committee to go into

the question and do that work. A Special Officer has been appointed for the purpose. We feel that a Committee might be better and we are considering that aspect of the question.

Mr. SPEAKER.—The question is :

"That the Mysore General Clauses (Amendment) Bill, 1953, as passed by the Legislative Council, be taken into consideration."

The motion was adopted.

Mr. SPEAKER.—The Bill will now be taken up clause by clause.

Clauses 2 to 14. The question is :

"That clauses 2 to 14 stand part of the Bill."

The motion was adopted.

Clauses 2 to 14 were added to the Bill.

Mr. SPEAKER.—Clause 1. The question is :

"That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

Mr. SPEAKER.—Title and Preamble. The question is :

"That the Title and Preamble stand part of the Bill."

The motion was adopted.

The Title and Preamble were added to the Bill.

Motion to pass.

Sri A. G. RAMACHANDRA RAO.—Sir, I beg to move :

"That the Mysore General Clauses (Amendment) Bill, 1953, as passed by the Legislative Council, be passed."

Mr. SPEAKER.—The question is :

"That the Mysore General Clauses (Amendment) Bill, 1953, as passed by the Legislative Council, be passed."

The motion was adopted.

THE EVACUEE INTEREST (SEPARATION) MYSORE SUPPLEMENTARY BILL, 1953.

Motion to consider.

Sri A. G. RAMACHANDRA RAO (Minister for Law and Education).—Sir, I beg to move :

"That the Evacuee Interest (Separation) Mysore Supplementary Bill, 1953, be taken into consideration."

Sir, in the Central Legislature, this Bill was introduced and also passed on 27th September 1951. Regarding this legislation, it is seen that it is not enough if the Central Legislature passed the Bill, but it should have the support and the consent of the States also. At first, it was thought that a resolution by various States supporting the Bill was sufficient. Accordingly on 10th November 1951, a supporting resolution was passed by this House under Article 252 of the Constitution. Similarly, other States also sent in their supporting resolutions. But it was found that the resolutions passed by the various States did not come in time or came in the form other than the correct form. Therefore, they were requested to pass this supplementary legislation in support of the Central Evacuee Separation Bill. Regarding the principle of the Bill, it has already been sufficiently discussed on the previous occasion. I may say this much. The evacuees who left the country left several dependents and relations who had interest in the property. How should such joint property be dealt with? Part of it was in the title of the gentlemen who left the country and the other part with the people who were left behind. Therefore, provision has been made in the Central Act as to how they should be divided and dealt with. In order to do this, this supplementary Bill has been put before the House for its consideration.